

**OPINION
49-98**

March 23, 1949 (OPINION)

LABOR

RE: Cause of Action for Female Employee

Your letter of March 19, 1949, addressed to Mr. Wallace E. Warner, attorney general, has been turned over to me for attention.

You ask for a construction of section 34-0113 of the 1947 Supplement to the 1943 Revised Code, and especially that part of the section which reads: "shall be brought within one year after the accrual of such cause of action, ***."

Your question is, when does a cause of action accrue where a female employee is employed overtime?

It is our opinion that if the employee is hired by the week, the payment for overtime is due at the time when she receives the stipulated wages for the regular hours on the pay day for that week, and consequently if the cause of action accrues on that day, proceedings must be instituted within one year thereafter, and that the cause of action does not accrue on the day she separated from her employment.

WALLACE E. WARNER

Attorney General